

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

ROSCOE LOUIS HOLLOWAY,	)	
AIS #154358,	)	
	)	
Petitioner,	)	
vs.	)	3:07-CV-186-MEF
	)	
BILLY MITCHEM, WARDEN, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**RESPONSE TO MOTION TO COMPEL**

Come now the Respondents in the above-styled case, in response to Holloway's motion to compel, filed on July 9, 2008, and respond as follows:

1. Holloway alleges that the Respondents have not complied with the Court's order in furnishing a copy of Holloway's guilty plea transcript to the Court. This is incorrect. The Respondents filed a copy of the transcript with the Court on June 26, 2008, and also mailed a copy to Holloway. (Doc. 21, 21-2)

2. Therefore, this Court should deny Holloway's motion to compel. The Respondents would also point out that Holloway made a similar claim that he

never received a copy of the Court's order granting the Respondents an extension of time to comply with the order for the transcript. (Doc. 19)

Respectfully submitted,

Troy King (KIN047)

*Attorney General*

By:

/s/Jean-Paul M. Chappell

Jean-Paul M. Chappell

*Assistant Attorney General*

#CHA073

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of July, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Roscoe Holloway, AIS #154358, Limestone Correctional Facility, 28779 Nick Davis Road, Harvest, Alabama 35749.

Respectfully submitted,

/s/Jean-Paul M. Chappell (CHA073)  
Jean-Paul M. Chappell (CHA073)  
Office of the Attorney General  
Alabama State House  
11 South Union  
Montgomery, AL 36130-0152  
Telephone: (334) 242-7300  
Fax: (334) 242-2848  
E-Mail: jchappell@ago.state.al.us

ADDRESS OF COUNSEL:  
Office of the Attorney General  
Criminal Appeals Division  
11 South Union Street  
Montgomery, AL 36130  
(334) 242-7300

666271/106184-001